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February 25, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Notice of *Ex Parte* Presentation by the
Personal Communications Industry Association and
Allied PCIA of California**

Numbering Resource Optimization – CC Docket No. 99-200

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, the Personal Communications Industry Association ("PCIA"), by their attorneys, submit this notice in the above-captioned docketed proceeding of an oral *ex parte* presentation made and written *ex parte* materials distributed on February 24, 2000 during a meeting with Jordan Goldstein, Legal Advisor, Office of Commissioner Susan Ness. The presentation was made by Jay Kitchen, President, PCIA, Harold Salters, Director of Government Relations, PCIA, Judith St. Ledger-Roty, Counsel to PCIA, Todd Daubert, Counsel to PCIA, and David Wilson, Counsel to Allied PCIA of California. Copies of the written materials distributed at the meeting are attached hereto.

During the presentation, PCIA and Allied PCIA of California discussed concepts presented in and raised by the attached presentations entitled "Numbering Optimization and Competition," "Number Resource Optimization" and "State Number Conservation Measures Must Continue To Be Subject to National Guidelines, Standards and Procedures." PCIA and Allied PCIA of California discussed ways in which the Commission could move expeditiously to ensure efficient number

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Ms. Magalie R. Salas
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utilization while ensuring that all carriers have timely and nondiscriminatory access to numbering resources.

Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. We would be pleased to provide additional copies of the paper and its appendix, upon request. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd D. Daubert", with a long horizontal line extending to the right.

Judith St. Ledger-Roty
Todd D. Daubert
Counsel to PCIA

cc: International Transcription Services
Jordan Goldstein

Numbering Optimization and Competition



Personal Communications
Industry Association

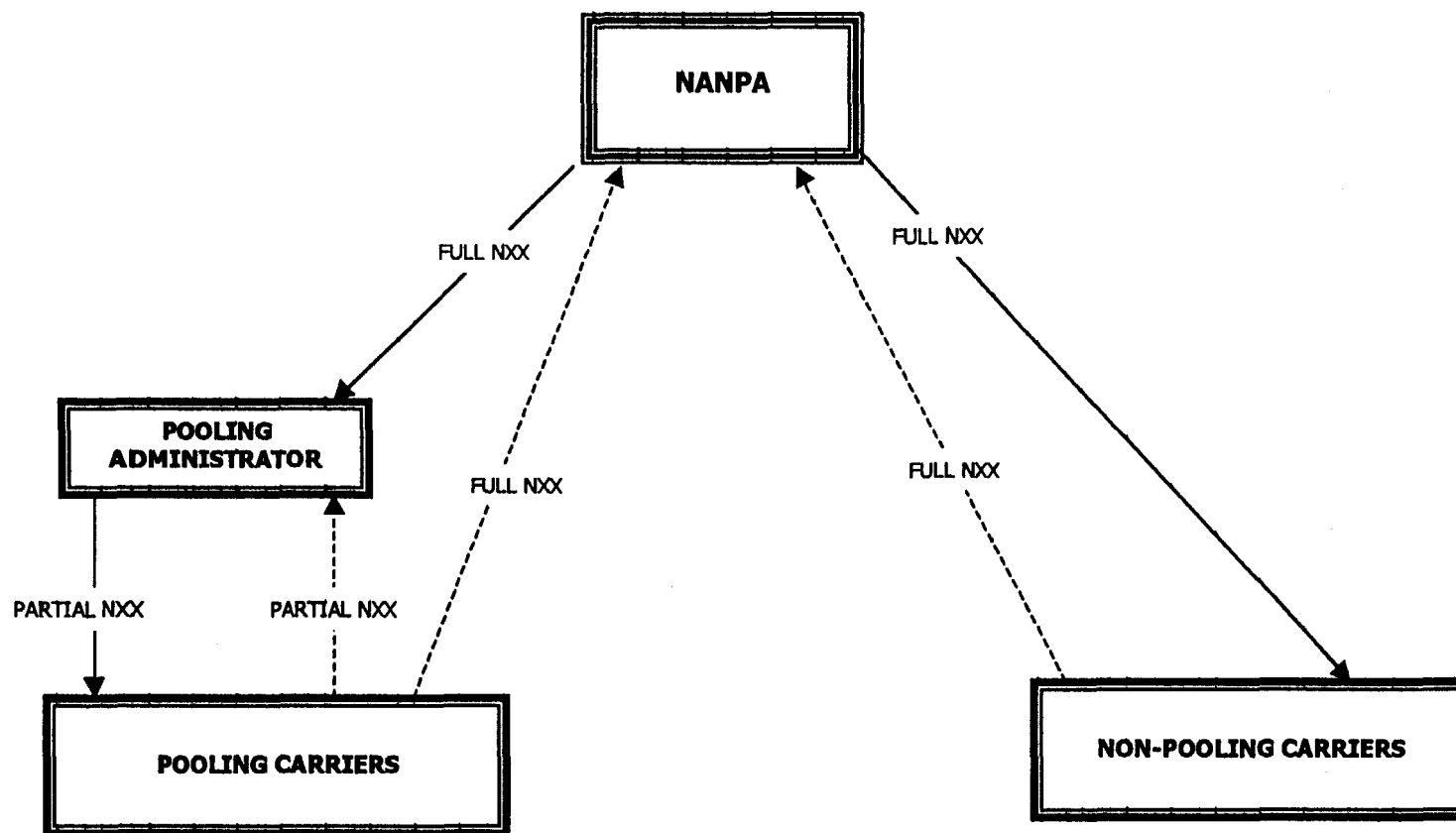
Ex Parte Presentation in CC Docket No. 99-200

February 2000

All Carriers Must Be Assured Non-Discriminatory and Timely Access To Telephone Numbers

- The FCC should, in all circumstances, assure that telephone numbers are available on a timely, non-discriminatory basis.
- There must always be a seamless path to ensure that as area codes exhaust, growth area codes are ready.
- PCIA has proposed a mechanism that would create a seamless path to growth area codes for both non-LNP- and LNP-capable carriers.

Model Pooling Structure



The Central Office Code Administrator ("CO Code Administrator") allocates full NXX codes to both non-LNP-capable carriers and to the Pooling Administrator, which in turn allocates partial codes to LNP-capable carriers.

PCIA's Model Pooling Structure Would Help to Ensure that All Carriers Have Non-Discriminatory and Timely Access To Telephone Numbers

- PCIA's proposal, in conjunction with the FCC's utilization proposal, achieves the following objectives of various industry segments:
 - It facilitates the continuation of 7-digit dialing within individual area codes for all industry segments for an additional period of time (proposed by some states);
 - It allows number pooling to be implemented (proposed by some states, CLECs and industry groups);
 - It eliminates the need for number rationing when implemented properly (all carriers);
 - It preserves non-discrimination in allocation and utilization of numbering resources (all carriers); and
 - It alleviates pressure to require number take-backs outside of traditional uses (*e.g.*, implementation of area code relief in the form of a geographic split).

Non-LNP Capable Carriers Should Not, and Cannot, Be Required To Receive, Port, or Give-Back 1,000 Number Blocks

- LNP-capability is a prerequisite to 1,000 block number pooling.
- Wireless carriers are not LNP-capable:
 - CMRS carriers will not be LNP-capable before 2002
 - No likelihood that stand alone paging carriers will be LNP-capable in the foreseeable future.
- Therefore, wireless carriers, like all carriers that are not LNP-capable, must not be required to take 1,000 blocks from the pool or to contribute 1,000 blocks to the pool.
- Wireless and other carriers that are not LNP-capable must be able to receive whole 10,000 blocks of numbers available within the NPA from the CO Code Administrator.

Maintaining Federal Authority Over Numbering Is Crucial

- The Commission must not abdicate its plenary authority over numbering to the States.
- To the extent government intervention is necessary to advance number optimization, carriers should be subject to federal authority, and reporting under a national framework, instead of up to 50 separate state commissions.

A Uniform National Approach to Number Administration and Optimization is Crucial to Competition

- Carriers should be required to report to only one entity - the NANPA -- to assure uniform guidelines and consistent reporting nationwide.
- Reporting of information, including Part 4 of COCUS (confirmation of code activation), to the NANPA should be mandatory: No COCUS, no numbers.
- COCUS 2000 and further NANPA/NANC efforts to develop the hybrid COCUS make individual State information requests inefficient and counterproductive.

To the Extent States are Permitted to Collect Number Utilization Data, the FCC Must Establish a Uniform National Reporting Template

- Carriers must not be burdened with dozens of inconsistent and varied State information requests asking for information in different formats (e.g., paper vs. electronic, Excel spreadsheet vs. Word questionnaire, etc.) with unrealistic due dates.
- State reporting at the thousand or hundred block level is overly burdensome for carriers that are not LNP-capable.

PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION
CC DOCKET NO. 99-200
NUMBER RESOURCE OPTIMIZATION

The FCC must not abdicate its authority over numbering to the states.

- ❖ **Wireless is America's most vibrant, competitive telecom sector, with wide area, regional and national coverage. Numbers are the fuel of the wireless industry.**
- ❖ **To the extent government intervention is necessary to advance number conservation, wireless carriers should be subject only to federal authority, reporting under a national framework, rather than face the potential of 50 distinct state jurisdictions.**

All wireless carriers must be assured non-discriminatory and timely access to numbers.

- ❖ **Problem: States such as California are refusing to release additional area codes.**
 - **Solution: The FCC should not allow any state to refuse to implement needed area code relief on the grounds that it is undertaking number conservation measures.**
 - **Solution: The FCC should not allow any state to order additional rationing measures beyond those listed in NANPA's uniform guidelines.**

Wireless carriers should not, and cannot, be required to participate in number pooling.

- ❖ **With regard to local number portability (LNP) requirements, the FCC has already granted a forbearance to broadband carriers and an exemption to paging carriers.**
- ❖ **LNP is the method by which thousands-block pooling is implemented.**
- ❖ **As a result, non-LNP carriers cannot be required to participate in pooling and therefore must receive whole NXX codes available from within the area code.**
- ❖ **Nonetheless, PCIA supports minimum utilization thresholds applied to both pooling and non-pooling carriers.**

A uniform national approach to number management is crucial to fair competition.

- ❖ PCIA supports uniform enforcement through one entity, the NANPA, to assure uniform guidelines and a consistent nationwide reporting mechanism.
- ❖ Problem: In today's environment, there is a lack of consistent, reliable information.
 - Solution: The FCC should deem mandatory the reporting of information to the NANPA, including the filing by carriers of their Confirmation of Code Activation forms (Part 4 of the COCUS). If no COCUS on file, then no numbers released.

To the extent states are permitted to collect number utilization data, the FCC must establish a uniform national reporting template for the states to follow.

- ❖ Wireless carriers cannot fairly face inconsistent and varied state information requests in wide-ranging formats with unrealistic due dates.
- ❖ COCUS 2000 and further NANPA/NANC efforts to develop an efficient, hybrid COCUS make individual state information requests inefficient and counterproductive.

The FCC should implement nationwide, mandatory 10-digit dialing.

- ❖ Mandatory 10-digit dialing is an excellent method of assuring competitive neutrality.
- ❖ The Industry Numbering Committee (INC) has identified 10-digit dialing as the prerequisite to NANP expansion. Mandatory 10-digit dialing provides a solid foundation for a smoother, more consumer-friendly expansion of the NANP, including use of the D-digit. Ultimately, this will release ("free up") 200+ central office codes per area code.

ALLIED PCIA OF CALIFORNIA

STATE NUMBER CONSERVATION MEASURES MUST CONTINUE TO BE SUBJECT TO NATIONAL GUIDELINES, STANDARDS AND PROCEDURES

- Numbers must be available to all services providers (“SPs”), including non-LNP capable ones
- Conservation cannot be an excuse for avoiding politically unpopular choices, e.g. splits, overlays, rate center reform
- Auditing procedures must be efficient and uniform
- The Commission should specifically forbid number takebacks from the customers of one industry segment in order to satisfy the needs of other segments

ALLIED PCIA OF CALIFORNIA

CALIFORNIA IS IN VIOLATION OF ALL OF THE ABOVE PRINCIPLES

-Out of 27 NPAs, 22 are now in jeopardy and are rationed-

-Having belatedly announced a series of overlays and splits, California has halted these measures in favor of mandatory pooling in multiple MSAs. Under state law and procedure it will take at least two years to implement new backup plans. The 310 NPA will exhaust in nine months

-Non LNP capable carriers are effectively denied new numbers in the 310; the same will happen in other critical NPAs

-California has threatened wireless only overlays, with an across the board takeback of customer numbers, in order to reassign those numbers to non-wireless carriers.

-California has ordered quarterly surveys, in a non-standard format, for all SPs and for all numbers, whether Type 1 or Type 2.